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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,113	09/08/2003	Hiroshi Hasegawa	031120	7051
38834	7590	05/05/2006	EXAMINER	
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			THOMAS, LUCY M	
			ART UNIT	PAPER NUMBER
			2836	

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/656,113	<b>Applicant(s)</b> HASEGAWA ET AL.	
	<b>Examiner</b> Lucy Thomas	<b>Art Unit</b> 2836	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 12-16 is/are rejected.
- 7) ☒ Claim(s) 2-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.                                                |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: Reference characters "21" and "30" have both been used to designate main body. For example, see recitation of "main body 30" in Paragraph 50, line 4 and Paragraph 51, line 2, and "main body 21" in Paragraph 51, lines 3, 6, 9, 14, 18. For each component, a single reference number must be used to identify the component. Appropriate correction is required.

Furthermore, reference character "21" has been used to designate both main body and base. For example, see recitation of "base 21" in Paragraph 55, line 6 and Paragraph 56, line 4, and "main body 21" in Paragraph 51, lines 3, 6, 9, 14, 18. Appropriate correction is required.

### ***Claim Objections***

2. Claims 5 and 14 are objected to because of the following informalities: Recitation of "he" in line 2 should be corrected to "the".

Claim 14 is misdescriptive in the recitation, "the magnetic field generating source having magnets and the ferromagnetic plate are arranged planarly symmetric to the central axis of the path." Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2836

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 12, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Tamura (US 6,570,727). Regarding Claim 1, Tamura discloses a data erasing device (see 100 in Figures 1 or 900 in Figure 9) for erasing data recorded on a magnetic recording medium using a magnetic field generated from permanent magnets, comprising: a main body case (housing necessarily provided for assembly 900) for housing a magnetic recording medium on an upper surface; a magnetic field generating source 920 formed by arranging two permanent magnets 412, 414 (see Figure 4) each having one of north pole and a south pole above a ferromagnetic plate 404 so that they have mutually attracting polarities; a first transferring member (see member attached on the right to 920, see Figure 9, Claims 6-7) that can move the magnetic field generating source in a predetermined direction inside the main body case; a second transferring member (see components 914, 916, 912) that can move a magnetic recording medium in a direction substantially perpendicular to a movement direction of the magnetic generating source on the upper surface of the main body case (Column 1, lines 11-16,

Column 2, lines 13-16, Column 3, lines 38-48, Column 4, lines 11-17, 26-39, 49-62, Column 5, lines 4-12).

Regarding Claim 12, Tamura discloses a data erasing device (see 100 in Figures 1 or 900 in Figure 9) for erasing data recorded on a magnetic recording medium using a magnetic field generated from permanent magnets, comprising: a first magnetic field generating source (see upper portion of 920 in Figure 9) formed by arranging two permanent magnets 412, 414 (see Figure 4) each having one of a north pole and a south pole above a ferromagnetic plate 404 so that they have mutually attracting polarities; a main body case (housing necessarily provided for assembly 900) in which the magnetic field generating source is internally attached to the ferromagnetic plate with the ferromagnetic plate an upper surface side; a path 914 provided in the main body case perpendicular to the magnetic field generated by the magnetic field generating source; and a tray (see 916 and portion around, 910, 912, 930 in Figure 9) that is of a size that, as well as being able to house the magnetic recording medium, can reciprocally move within the main body case along the path (Column 1, lines 11-16, Column 2, lines 13-16, Column 3, lines 38-48, Column 4, lines 11-17, 26-39, 49-62, Column 5, lines 4-12).

Regarding Claim 14, Tamura discloses the data erasing device, wherein a second magnetic field generating source (see lower portion of 920 in Figure 9) is provided in the main body case under the first magnetic field generating source facing the first magnetic field generating source across the path, and the second magnetic field generating source having magnets 416, 418 (see Figure 4) and a ferromagnetic plate

402. The remaining part of Claim 14 recites that the magnetic field generating source having magnets and the ferromagnetic plate are arranged planarly symmetric to the central axis of the path, and is objected to.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in ~~section 102 of this title~~, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tamura (US 6,570,727) in view of Huffman et al. (US 3,711,750). Regarding Claim 13, Tamura does not disclose that the first magnetic field generating source is constructed to be movable in a direction perpendicular to a central axis of the path. Huffman discloses a data erasing device (see Figures 1-4), wherein a first magnetic field generating source 42, 44 is constructed to be movable in a direction perpendicular to a central axis of a path (Column 3, lines 1-19). It would have been obvious to those skilled in the art at the time the invention was made to provide a movable magnetic source as taught by Huffman to obtain maximum demagnetizing effect for erasing data from the magnetic disk.

Regarding Claim 15, Tamura does not disclose a portable carrying case, the carrying case comprising a lower case including handles in an upper portion thereof; an upper case that can cover the lower case; a cushioning material packed into the upper

case and the lower case; and an indented portion provided in the cushioning material inside the lower case, capable of housing the data erasing device. Huffman discloses a portable carrying case 16, the carrying case comprising a lower case 32; an upper case 20 that can cover the lower case, a cushioning material 22 packed into the upper case and the lower case. It would have been obvious to those skilled in the art at the time the invention was made to provide a carrying case as taught by Huffman to facilitate safe, easy, and convenient transporting of the data erasing device to the place of operation. Huffman's drawing does not show a handle or an indented portion provided in the cushioning material inside the lower case, capable of housing the data erasing device. It would have been obvious to those skilled in the art at the time the invention to provide a handle and indented portion for easy handling and for additional safety.

Regarding Claim 16, Huffman does not disclose that a magnetic shield plate for preventing leakage to the outside of the carrying case of a magnetic flux generated from the data erasing device is provided in the upper case. It would have been obvious to those skilled in the art at the time the invention was made to provide a magnetic shield plate to comply with the environmental protection and safety standards to avoid any exposure to leakage flux from the strong permanent magnets of the device while in transport.

***Allowable Subject Matter***

6. Claims 2-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter. Regarding Claim 2, Tamura discloses the data erasing device, wherein: the magnetic field generating source is provided in the first transferring member with the ferromagnetic plate 404 (see Figure 4) underneath so that a generated magnetic field extends beyond the upper surface of the body case into the space above; the first transferring member is movably attached to the main body case with respect to the main body case so that the magnetic field is applied uniformly within a predetermined range at the upper surface of the main body case; the second transferring member is constructed and comprises a frame that can house the magnetic recording medium in its central portion in a state where magnetic recording medium is supported on the upper portion of the main body case, one end of the rotably fixed to the upper surface of the main body case by means of a rotation shaft (see 912, 916 in Figure 9); and the second transferring member swings around the rotation shaft in a state where a magnetic recording medium is housed in the frame, and after the second transferring member has swung a predetermined number of times. Tamura does not disclose that the first transferring member is stepwise and that the position of the first transferring member sequentially changes stepwise and at each step the second transferring member swings only the predetermined number of times. This limitation, in combination with the other recited limitations, is not disclosed by the Prior Art of record. Claims 3-11 depend on Claim 2.



**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lucy Thomas whose telephone number is 571-272-6002. The examiner can normally be reached on Monday - Friday 8:00 AM - 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on 571-272-2058. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LT  
April 18, 2006



**PHUONG T. VU**  
**PRIMARY EXAMINER**